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SUBJECT: 2002 RELIGIOUS FREEDOM REPORT

SENSITIVE BUT UNCLASSIFIED ENTIRE TEXT

INTRODUCTION AND OVERVIEW

The status of respect for religious freedom in Nigeria remained basically unchanged during the year. The Constitution provides for freedom of religion, including freedom to change one's religion or belief and freedom to manifest and propagate one's religion or belief in worship, teaching, practice and observance. The Constitution also prohibits state and local governments from adopting an official religion, but it provides that states may elect to apply Islamic (Shari'a) criminal law. Following the lead of ten other Northern States, Borno and Gombe States also adopted forms of criminal Shari'a law in 2001.

Discrimination based on religion continued during the period covered by this report in some states. Although Christians and other non-Muslims are exempt from Shari'a law, the ramifications of expanded Shari'a law at times infringed upon the rights of non-Muslims in the states that have enacted expanded Shari'a.

Inter-religious tension remained high in parts of Nigeria during the year. Plateau State was the scene of violent ethno-religious conflict in September 2001. Discrimination against religious minorities was noted in some areas of the country.

U.S. Embassy officials regularly discussed religious freedom issues with various federal, state and local officials and prominent Nigerians. U.S. Embassy officials and U.S. Government officials based in Washington advocated the peaceful resolution of ethnic and religious conflicts in the country. The U.S. Government stressed that human rights and religious freedom must be respected in any resolution of the Shari'a question.

SECTION I. RELIGIOUS DEMOGRAPHY

The country has a total land area of 356,700 square miles, with an estimated population of 120 million; however, there has not been an accurate census for more than 30 years, and many observers believe the country's population exceeds this estimate. Approximately half of the country's population practice Islam; approximately 40 percent practice Christianity, and approximately 10 percent practice traditional indigenous religions or no religion. Many persons practice elements of Christianity or Islam and elements of a traditional indigenous religion. The predominant form of Islam is Sunni. The Christian population includes Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a growing number of evangelical and Pentecostal Christians. Catholics constitute the largest Christian denomination.

There is a strong correlation between religious differences and ethnic and regional diversity. The North, which is dominated by the large Hausa and Fulani ethnic groups, is predominantly Muslim; however, there are Christian majorities in several Middle Belt states and significant numbers of Christians in all urban centers of the North. In the Southwest, where the large Yoruba ethnic group is in the majority, there is no dominant religion. Most Yorubas practice either Islam or Christianity, while others continue

to practice the traditional Yoruba religion, which includes a belief in a supreme deity and the worship of lesser deities that serve as agents of the supreme deity in aspects of daily life. In the East, where the large Igbo ethnic group is dominant, Catholics and Methodists are in the majority, although many Igbos continue to observe traditional rites and ceremonies.

Foreign missionaries operate in the country and include Jesuits, Dominicans, the Church of Jesus Christ of Latter-Day Saints (Mormons), the Church of Christ, and the Society for International Missions, among others. Rough estimates put the number of foreign Christian missionaries at over 1,000, with many in the area around Jos, in Plateau state. Many have resided in Nigeria for a decade or longer. There are reportedly fewer foreign Muslim missionaries, and they tend toward briefer stays than their Christian counterparts. Muslim organizations often focus on training Nigerians in traditional centers of Islamic education and then returning them to Nigeria.

SECTION II. STATUS OF RELIGIOUS FREEDOM

LEGAL/POLICY FRAMEWORK

The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance. The Federal Government generally protects these rights. However, some state governments restricted these rights in practice in certain respects with impunity.

The Constitution prohibits state and local governments from adopting an official religion; however, some Christians have alleged that Islam has been adopted as the de facto state religion of several Northern states, citing the reintroduction of Shari'a criminal law, and the continued use of state resources to fund the construction of mosques, the teaching of Alkalis (Muslim judges), and pilgrimages to Mecca (Hajj). However, state funds also are used to fund Christian pilgrimages to Jerusalem. In general, states with a clear Christian or Muslim majority overtly favor the majority faith. There are 36 states in the country; governors have substantial autonomy in decision-making but derive the vast majority of their resources from the Federal Government. Both the federal and state governments are involved in religious matters, including the regulation of mandatory religious instruction in public schools, subsidized construction of churches and mosques, state-sponsored participation in the Hajj, and pilgrimages to Jerusalem.

The Constitution provides that states may elect to apply Islamic (Shari'a) law. Until the reintroduction of criminal Shari'a by Zamfara State in January 2000, the jurisdiction of Shari'a courts had been limited to family or personal law cases involving Muslims, or to civil disputes between Muslims who consent to the courts' jurisdiction. However, the Constitution states that a Shari'a Court of Appeal may exercise "such other jurisdiction as may be conferred upon it by the law of the State." Some states have interpreted this language as granting them the right to expand the jurisdiction of existing Shari'a courts to include criminal matters (see Section III). On October 8, 1999, the Governor of Zamfara State, Ahmed Sani, signed a bill that established Shari'a courts and courts of appeal in Zamfara state, and another bill that constituted the Shari'a penal code; the bills took effect on January 27, 2000. Zamfara's law adopted traditional Shari'a in its entirety, with the exception that apostasy was not criminalized. Other Muslim communities, particularly from the states of Kano, Niger, Sokoto, Jigawa, Borno, Yobe, Kaduna, and Katsina states, began to echo the call for Shari'a in their states. At the end of the period covered by this report, twelve Northern states had adopted forms of Shari'a law-- Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno and Gombe. According to media reports there has been some lobbying among elements of the large Muslim minority of Oyo State for the implementation of elements of civil Shari'a. However, the government has not responded. Adherence to the new Shari'a provisions is compulsory for Muslims in some states and optional in others. The Constitution also provides that the Federal Government is to establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by the end of the period covered by this report. Appeals are generally heard by

regular courts empanelled with justices who have some knowledge of Shari'a law.

In November 1999, President Obasanjo expressed the view that the expanded Shari'a provisions were unconstitutional; however, the federal Government did not intervene legally to annul the provisions. Defendants have the right to challenge the constitutionality of Shari'a criminal statutes through the courts. To date, no such challenge filed by any person with legal standing has reached the Federal appellate level. Nigeria's higher courts have not, therefore, had occasion to determine if penalties under Shari'a law, which differ from those applicable under secular law are constitutional. In March 2002, Justice Minister Kanu Agabi made public a letter to Northern Governors in which he stated that sentences given under Shari'a should not be harsher than those imposed by general secular law. The only noticeable effect was to stir debate in the press.

Christian and Islamic groups planning to build new churches or mosques are required to register with the Corporate Affairs Commission (CAC). The law requires that such groups name a board of trustees, place a notice of the group's intent to organize in three nationwide newspapers, and send trustee information to the CAC. If no objections are received, the group can proceed with its meetings. This law was put into effect to stem the proliferation of new buildings in the absence of zoning laws, to resolve legal questions arising from disputes over church ownership and control, to provide a single registry for government reference in the event that compensation is demanded following civil disturbances, and to allow for legal solemnization of marriages. The CAC did not deny registration to any religious group during the period covered by this report; however, some religious groups experienced delays in obtaining permission from local zoning boards to build houses of worship. Many nascent churches and Islamic congregations ignore the registration requirement, placing themselves outside the bounds of legality and making themselves vulnerable to sometimes selective enforcement of zoning laws.

The military's chaplaincy corps includes imams, Catholic priests, and Protestant pastors. There were no reports in the military of discrimination or nonadvancement to senior positions due to religious beliefs. No one religious faith dominates the senior ranks of the military.

The Government remained a member (observer status) of the Organization of Islamic Conference (OIC) during the period covered by this report and continued to send representatives to the annual meeting in Cairo. Christian citizens were concerned that this action undermined the concept of a secular state.

Each year the Government declares the following Islamic and Christian festival days as national holidays: Eid-el-Adha, Eid-el-Fitr, Good Friday, Easter Monday, Eid-el-Maulud, Christmas Day and Boxing Day.

Some state governors actively have encouraged interfaith and interethnic discussions. For example, Kaduna Governor Ahmed Mohammed Makarfi appointed Muslims and Christians to reconciliation committees following the riots of February and May 2000. Governor Makarfi also consulted with the reconciliation committees on proposed criminal law reforms. Reconciliation committees are also consulted before any major decisions are taken. The government also encourages the activities of NGOs like the Kaduna-based Inter-Faith Mediation Center, Muslim/Christian Dialogue Forum.

Restrictions on Religious Freedom

Throughout the year, the Government nominally required organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal authority to ban gatherings whose political, ethnic, or religious content might lead to unrest. In 2000 several Northern state governments banned open air preaching and public religious. Such bans were viewed as necessary public safety measures after approximately 2,000 people died in Shari'a related violence nationwide in 2000. None of these bans had been lifted formally by the end of the period covered by this report; however, state governments granted some permits on a case-by-case basis. In the southern part of the country, large outdoor religious gatherings continued to be common. (Note: Trampling deaths from poor crowd control are a common occurrence at large outdoor Christian gatherings

in the South. International evangelists routinely visit Nigeria for "crusades" which can attract over 100,000 each evening.)

Following nationwide Shari'a-related violence in 2000, many Northern states banned public proselytizing, although it is permitted by the Constitution. Some states, however, allowed some public proselytizing by Christians and Muslims. Missionaries reported that law enforcement officials often harassed them when they proselytized outside of their designated zones. Both Christian and Muslim organizations alleged that the Ministry of Foreign Affairs and the Immigration Department restricted the entry into the country of certain religious practitioners, particularly persons suspected of intending to proselytize. Proselytizing did not appear to be restricted in the southern part of the country. Many missionary groups also have noted bureaucratic delays and obstruction and attempts to extort money for the processing of necessary residence permits for foreigners; however, many foreign businesses and other nonreligious organizations have encountered similar difficulties.

Although the expanded Shari'a laws technically do not apply to non-Muslims, the non-Muslim minority, especially in Zamfara state, was affected by certain social provisions of the laws, such as the separation of the sexes in public transportation vehicles and decisions by some entrepreneurs not to engage in certain activities out of concern for offending Shari'a sensibilities. For example, beauty contests typically are not held in Shari'a states. In Zamfara state, Christian associations have arranged for private transportation services for Christian females so that they are not forced to wait for female only transportation provided by the Zamfara state government. Sokoto state's transportation system is run completely by private operators. Sokoto state governor Dalhatu Bafarawa said that the state cannot compel private operators to carry female passengers if doing so violates their religious convictions. In Zamfara state schoolchildren continued to be segregated by gender in schools. The Governor of Zamfara also disbursed public funds to refurbish mosques. There is a long tradition of separating schoolchildren by gender in the North; this practice was codified in Kebbi and Sokoto states in May 2000 and is enforced in all of the Shari'a states.

In Zamfara state, laws proposed during the period covered by this report included a dress code for women that bans short skirts and trousers, the mandatory closing of shops on Fridays, and a ban of video rental clubs. The Christian Association of Nigeria (CAN) branch in Zamfara state has protested these new laws to the Zamfara state government. Reportedly they were told that the first law was proposed on public decency grounds, and that the second law only would apply to Muslim businesses. These laws have been read on the floor of the State House but have not been enacted.

All Muslims in states that expanded Shari'a to criminal matters are subject to the new Shari'a criminal codes. In Zamfara state, all cases involving Muslims must be heard by a Shari'a court. Other states with Shari'a law still permit Muslims to choose common law courts for criminal cases; however, societal pressure forces most Muslims to use the Shari'a court system.

The law prohibits religious discrimination; however, state government officials often discriminated against adherents of minority religions in hiring practices and in awarding state contracts.

Christians in the predominantly Muslim northern states also alleged that local government officials used zoning regulations to stop or slow the establishment of new Christian churches. Officials have responded that many of these new churches are being formed in traditionally residential neighborhoods that were not zoned for religious purposes. The Christian Association of Nigeria (CAN) offices in Zamfara and Sokoto states alleged that local authorities there delayed or denied to Christians certificates of occupancy (CO's), which are required to show title to land. For example, the Catholic Church in Zamfara state has been unable to retake possession of a clinic that was confiscated during a period of military rule in the 1970's. Renewal of the CO for the church building was approved; however, the Church has been unable to obtain a CO to reoccupy the clinic building and the adjoining land. Zamfara and Sokoto state officials denied that discrimination was behind the cases cited by CAN. State officials said the certification boards were dealing with a large backlog of cases for all persons, regardless of religious faith. Muslims have complained that they were denied permission to build mosques in the

predominantly Christian southern states of Abia and Akwa Ibom.

Although distribution of religious publications remained generally unrestricted, the Government continued to enforce lightly a ban on published religious advertisements. There were reports by Christians in Zamfara state that the state government restricted the distribution of religious (Christian) literature. In 2000 Bishop Samson Bala of Gusau Diocese said that the state radio station had closed its doors to Christians. According to the Bishop Bala, commercials and paid advertisements containing Christian content were not accepted, and only Islamic religious programs were aired. Similar discrimination against the use of state-owned media for Muslim programming was reported in the South. This situation remains unchanged through the reporting period.

According to the Constitution, students are not required to receive instruction relating to a religion other than their own; however, public school students throughout the country are required to undergo either Islamic or Christian religious instruction. Islamic studies are mandatory in public schools in Zamfara and other northern states, often to the exclusion of Christianity. State authorities assert that students are permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. However, teachers of "Christian Religious Knowledge" cannot be found in many Northern schools. There are reports that Christianity is taught in the same manner in Enugu and Edo states, and that Muslim students cannot access "Islamic Religious Knowledge" in the public schools. Christian Association of Nigeria (CAN) leaders volunteered to place teachers of Christianity in Zamfara and Sokoto state schools, where students alleged that they were being forced to take courses in Islamic religious knowledge in order to graduate. Governors of both states accepted the offer of assistance and stated that they had not been aware of the problem; however, CAN did not provide any teachers in either state during the reporting period, stating that they lacked the available funds to send teachers to the states.

The Government continued to enforce a 1987 ban on religious organizations on campuses of primary schools, although individual students retain the right to practice their religions in recognized places of worship.

On December 5, 2000, over 1,500 Muslim students from the University of Ibadan and Ibadan public schools gathered at Oyo state government offices to protest the failure of public schools to offer Islamic studies courses alongside Christian courses. To date Islamic courses are still unavailable.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims is usually accorded less weight in Shari'a courts. For example, if one woman testifies, a second woman must also provide testimony to equal the weight of the testimony of one man.

Abuses of Religious Freedom

The extension of Shari'a law in many Northern states generated a public debate on whether Shari'a punishments such as amputation for theft, stoning for adultery and caning for fornication and public drunkenness constituted "torture or ... inhuman or degrading treatment" as stipulated in the Constitution.

On July 6, 2001 Umaru Aliyu had his hand amputated in Sokoto State after being convicted of stealing a goat and approximately \$400 cash.

On October 19, 2001 a local Shari'a judge in Sokoto State sentenced Safiya Hussaini to death by stoning for adultery. The judge based his decision on his interpretation that the divorced Hussaini's pregnancy was conclusive proof of adultery. The court found that Hussaini had also confessed. However, Hussaini appealed the sentence arguing ten separate grounds for her acquittal. Defense drew from the Koran, the Hadiths, the Nigerian Constitution, the Sokoto State Shari'a Penal Code and the Shari'a Procedure Code. Accepting several of the defendant's arguments, the Sokoto State Shari'a Court of Appeal overturned the conviction in March of 2002. The court cited several fundamental flaws in the original court's findings. First neither the date nor location of the alleged

crime was specified. Second the charge was not sufficiently explained to Ms. Hussaini. Third, Shari'a law allows a defendant to withdraw a confession any time prior to the execution of a sentence, which the defendant did. Finally, the age of the child indicated that the alleged crime must have been committed prior to the implementation of criminal Shari'a in Sokoto State.

A Katsina man was hanged in January in Kaduna State after being convicted in a Shari'a court of stabbing a woman and her two children to death while robbing her home. Nigeria's constitution permits capital punishment, however this is the first execution since its return to democracy in 1999.

Also in January a Shari'a judge was publicly flogged after being convicted of consuming alcohol.

In late March in Katsina State, Amina Lawal was sentenced to death by stoning after confessing to having a child while divorced. The court has allowed Lawal to return to her own village at least until January 2004. The appeals court is scheduled to begin hearing her appeal on July 8.

Four other women have been convicted of adultery under Shari'a law. Two of these women have been released on bail, while two were sentenced to pay a fine, which they have done.

Seven men convicted of stealing and housebreaking have been sentenced to have their right hands amputated in Kano State. Two of the men have appeals pending, the other five have not exercised their right to appeal. In Bauchi State, four men convicted of stealing have been sentenced to have their right hands amputated. Bauchi State Governor Adamu Mu'azu referred these cases to the Inspectorate Division of Shari'a Courts for review. Once the review is complete it is the governor's decision whether or not the sentences are carried out.

Other convicted Muslim criminals in Shari'a law states were subjected to public caning for various minor offenses, such as petty theft, public consumption of alcohol, and engaging in prostitution. Indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced. A number of state-sanctioned and private vigilante Shari'a enforcement groups have formed in states with expanded Shari'a law. In Zamfara state, Governor Ahmed Sani vested the local vigilante group with full powers of arrest and prosecution because he believed that the police were not enforcing the new Shari'a laws. Governor Saminu Turaki of Jigawa state also mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. These groups still exist, but their activities decreased during the reporting period.

On March 2, 2002 Pastor Tunde Bakare was detained and interrogated for 16 hours by the State Security Service (SSS) after returning to Nigeria from Ghana. It is alleged that Bakare prophesied the fall of the Obasanjo government and that he left Nigeria to avoid the anticipated chaos. Bakare was arrested upon his return from Ghana and questioned by the SSS but was not charged. Media reports claiming that his passport was confiscated could not be verified.

Six Pakistani Muslim scholars were arrested in Benue State September 23 on suspicion of immigration violations. They were questioned by Federal Government officials in Abuja and subsequently deported.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the Government's refusal to allow such citizens to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

Curfews, bans on large religious gatherings outside of

traditional houses of worship, on religious processions, and on proselytization remain in effect in some areas; however, some local and state authorities informally relaxed the bans in practice, and allowed some public proselytizing.

Since the outbreak of Shari'a-related violence in 2000, the governors of Kaduna, Abia, and Lagos states have taken steps to prevent further violence and tension. During the period covered by this report, the governors made more tempered public statements, and focused on shared economic opportunities between residents of their states and migrants from other regions of the country.

Many non-Muslims had feared that implementation of Shari'a would change their way of life but there has been little or no change for most people. While some state and local governments have stringently interpreted the new Shari'a laws, most others have interpreted their laws differently and have implemented them with moderation. Additionally, there is trend developing among some elements in the Muslim community to shift focus from the criminal law aspects of Shari'a law to its tenets of social justice and charity for the poor. Islamic scholars and many Muslim lawyers are educating the poor and the less well informed about their procedural rights under Shari'a. Several lawyers offer pro bono services to the indigent in cases where the potential punishment might be severe.

Section III: Societal Attitudes

Religious differences often correlate to regional and ethnic differences. For example, the North, including part of the Middle Belt, is overwhelmingly Muslim and the large Hausa and Fulani ethnic groups tend to dominate these areas. Most southern ethnic groups are predominantly Christian. Consequently it is often difficult to distinguish between religious conflict and discrimination, and ethnic conflict and discrimination. It is not unusual for two ethnic groups with a long history of conflict to adopt different religions, thereby placing a religious overlay atop tensions that originally arose from ethnic confrontation.

During the weekend of September 7, violence erupted in Jos that eventually claimed more than 2300 lives. It is unclear how the unrest began, but tensions had risen over the appointment of an ethnic Hausa to the chairmanship of a local Poverty Alleviation Program, and earlier violence between Christian Sayewa and Muslim Hausa-Fulani in Tafawa Balewa, Bauchi, only 60 kilometers away. Reliable sources indicate that most of the casualties were Hausa-Fulani Muslims, who constitute a significant minority in Jos. The military was able to restore order, but thousands of Hausas fled Plateau state for Kaduna, Kano, Jigawa and Bauchi. This conflict appears to have been primarily ethnic, and secondarily religious. Christians of different sects were reported to have attacked each other, and Yoruba Muslims reportedly joined in attacking their Hausa co-religionists. The Jos conflict produced approximately 11,600 internally displaced persons according to the Nigerian Red Cross.

Similarly, in February 2002, violent clashes rocked the Idi-Araba area of Lagos as Yoruba youth clashed with Hausa residents. The incident was caused by interethnic tensions but had some religious overtones.

Nigerian law prohibits religious discrimination; however, private businesses frequently are guilty of informal religious and ethnic discrimination in their hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between majority groups and minority "immigrants" lead to some societal discrimination against minority ethnic and religious groups.

Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued among some families in some parts of the far North.

In many parts of the country, girls are discriminated against regarding access to education for social and economic reasons, with religious belief sometimes being a factor. Girls in the more traditionalist rural areas, both in the predominantly Muslim North and the predominantly Christian South, are even more disadvantaged than their urban counterparts.

Section IV: U.S. Government Policy

U.S. Embassy officials regularly discussed religious freedom issues with various federal, state and local officials. Embassy officials raised religious freedom issues with government officials in the context of the U.S. Government's overall dialog and policy of promoting human rights. The U.S. Government, through the U.S. Embassy and in statements from officials in Washington, sought to encourage a peaceful resolution to the Shari'a issue and urged that human rights and religious freedom be respected in any resolution. The Office of Transition Initiatives (OTI) created programs for conflict resolution training that are being continued by the U.S. Agency for International Development.

In February 2002, the Embassy's Public Affairs Section sponsored the visit to Nigeria of the Executive Director of the American Muslim Council, Aly Abuzaakouk to discuss the War Against Terror, religious tolerance, and the religious freedom that Muslims enjoy in the United States. Abuzaakouk addressed over 500 Muslims and Christians in Abuja, Ibadan, Jos, Lagos, Kaduna and Kano.

The Embassy facilitated the visit to Nigeria of former President Jimmy Carter and Bill Gates Sr., of the Bill and Melinda Gates Foundation, who promoted HIV/AIDS awareness and prevention. President Carter addressed the Presidential Chapel at the Sunday service, where he preached a message of abstinence and faithfulness as a way to halt the spread of HIV/AIDS.

In June, 2002 the Embassy's Public Affairs Section sponsored the Reverend Eugene Rivers of the Ten Point Coalition, who addressed inter-religious groups with his message of abstinence and fidelity. Rivers engaged Muslims and Christians in Kaduna and Lagos and challenged them to overcome their differences, in order to cooperate in the fight against HIV/AIDS.

ANDREWS